

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

HIRAM MERAZ,  
*Appellant.*

No. 2 CA-CR 2013-0191  
Filed January 28, 2014

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See* Ariz. R. Sup. Ct. 111(c); Ariz. R. Crim. P. 31.24.

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Appeal from the Superior Court in Pima County  
No. CR20113222001  
The Honorable Howard Fell, Judge Pro Tempore

**AFFIRMED**

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COUNSEL

Isabel G. Garcia, Pima County Legal Defender  
By Alex D. Heveri, Assistant Legal Defender, Tucson  
*Counsel for Appellant*

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**MEMORANDUM DECISION**

Judge Eckerstrom authored the decision of the Court, in which Judge Espinosa and Judge Miller concurred.

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E C K E R S T R O M, Judge:

¶1 Appellant Hiram Meraz was convicted after a jury trial of second-degree burglary and theft by control of property valued at more than \$1,000 but less than \$2,000. The trial court suspended the imposition of sentence and placed Meraz on concurrent, three-year terms of probation. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no meritorious issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record” and has asked this court to search the record for error.<sup>1</sup> Meraz has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), it is sufficient to support the jury’s findings of guilt. The victim testified she had returned home to find her front door pried open, her home ransacked, and over \$1,000 worth of items missing from her home, including a stereo system,

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<sup>1</sup>To the extent counsel suggests that *Anders* requires us to search the record for all error, not just fundamental error, our supreme court has restricted *Anders* review to fundamental error. *State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). “The courts of this state are bound by the decisions of [the supreme] court and do not have the authority to modify or disregard [them].” *State v. Smyers*, 207 Ariz. 314, n.4, 86 P.3d 370, 374 n.4 (2004).

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television, and gold jewelry. DNA<sup>2</sup> extracted from blood found on a broken footboard in the victim's bedroom matched Meraz's DNA. *See* A.R.S. §§ 13-1507(A), 13-1802(A)(1), (E).<sup>3</sup>

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Meraz's convictions and disposition are affirmed.

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<sup>2</sup>Deoxyribonucleic acid.

<sup>3</sup>We cite the version of the theft statute in effect at the time of Meraz's 2005 offense. *See* 2004 Ariz. Sess. Laws, ch. 181, § 1.